

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

- v. -

KEITH RANIERE,

Defendant.

Case No. 18 Cr. 00204 (NGG) (VMS)

**DECLARATION OF MARC A.  
AGNIFILO**

**Submitted on April 22, 2019**

MARC A. AGNIFILO, an attorney duly admitted in the state of New York and the United States District Court for the Eastern District of New York, hereby affirms under penalty of perjury the following:

1. I am Of Counsel to the law firm Brafman & Associates, P.C., attorneys for Defendant Keith Raniere, and as such am fully familiar with the facts and circumstances herein. I make this declaration in support of Defendant Raniere's Second Motion to Suppress, dated April 22, 2019.

2. Attached hereto as Exhibit 1 is a true and correct copy of the Affidavit of FBI Special Agent Michael Lever dated March 26, 2018 in support of an application for search warrant for 8 Hale Drive, Halfmoon, NY 12065

3. Attached hereto as Exhibit 2 is a true and correct copy of the Search and Seizure Warrant issued on March 26, 2019 by Magistrate Judge Daniel J. Stewart permitting agents to search the premises known and described as 8 Hale Drive, Halfmoon New York 12065.

4. In terms of the timing of this motion, we have repeatedly asked the government to provide reports concerning the search of the backup hard drive from which the child pornography was allegedly recovered. As of the date of this motion, the government has not provided us with any such reports. In fact, when asked recently when we were going to get these reports, the

prosecution stated that the reports were not completed but that the government would make the reports available when the FBI completed them.

5. While the defense should not be in a position of having to claim an expectation of privacy over premises from which alleged child pornography was recovered without first being given basic reports outlining the search and how the items were located and retrieved, given the fact that we are progressing to opening statements fifteen days from today, we simply could not wait any longer to make this motion.

6. Therefore, while the government may raise objection concerning the timing of this motion, this is a problem of the government's making. Not only did it indict Raniere with the child pornography charges and counts at the eleventh hour, it then made the situation far worse by failing to provide the defense with the FBI reports concerning the search. Again, as of the writing of this motion, the government still has not provided these reports to us, despite the fact that we asked for them in open Court and in subsequent communications between the parties.

7. As a result, while the defense should not have to claim standing prior to being provided with the search report, we have had to do so here given the time constraints the government has imposed on the defense and on the Court.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: April 22, 2019  
New York, NY

Respectfully submitted,

**BRAFMAN & ASSOCIATES, P.C.**  
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/s/  
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Marc A. Agnifilo, Esq.  
*Of Counsel*